

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

In re:

CASE NO: 6:15-bk- 09103

JOSEPH E. MCMANUS

Debtor(s).

_____ /

CHAPTER 13 PLAN

CHECK ONE:

_____ Debtor¹ certifies that the Plan does not deviate from the model plan adopted by the Court at the time of the filing of this case. Any nonconforming provisions are deemed stricken.

 X The Plan contains provisions that are specific to this Plan in paragraph 9, Nonconforming Provisions. Any nonconforming provision not set forth in paragraph 9 is deemed stricken.

1. MONTHLY PLAN PAYMENTS. Plan payments include the Trustee's fee of 10% and shall begin 30 days from petition filing/conversion date. Debtor shall make payments to the Trustee for the period of 36 months. If the Trustee does not retain the full 10%, any portion not retained will be disbursed to allowed claims receiving payment under the plan and may cause an increased distribution to the unsecured class of creditors:

(A) \$ 1,400.00 for months November 2015 through October 2018

(B) \$ _____ for months _____ through _____

(C) \$ _____ for months _____ through _____

To pay the following creditors:

2. ADMINISTRATIVE ATTORNEY'S FEES.

Base Fee \$6,500.00 Total Paid Prepetition \$4,450.00 Balance Due \$2,050.00

Estimated Additional Fees Subject to Court Approval \$ 0

Attorney's Fees Payable through Plan \$2,050.00 Monthly (subject to adjustment)

\$ 100.00 for months November 2015 through June 2017 (1-20 months)

\$ 50.00 for month of July 2017 (21st month only)

¹ All references to "Debtor" include and refer to both of the debtors in a case filed jointly by two individuals.

3. PRIORITY CLAIMS (as defined in 11 U.S.C. § 507).

Last 4 Digits
of Acct No. xxxx9057

Creditor IRS

Total Claim \$ 3,522.05

4. TRUSTEE FEES. Trustee shall receive a fee from each payment received, the percentage of which is fixed periodically by the United States Trustee.

5. SECURED CLAIMS. Pre-confirmation payments allocated to secured creditors under the Plan, other than amounts allocated to cure arrearages, shall be deemed adequate protection payments.

(A) Claims Secured by Real Property Which Debtor Intends to Retain/ Mortgage Payments and Arrears, if any, Paid through the Plan. If the Plan provides for curing prepetition arrearages on a mortgage, Debtor will pay, in addition to all other sums due under the proposed Plan, all regular monthly post-petition mortgage payments to the Trustee as part of the Plan. These mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter. The Trustee shall pay the post-petition mortgage payments on the following mortgage claims:

Last 4 Digits of Acct No.	Creditor	Collateral Address	Reg. Mo. Pmt.	Gap Pmt.	Arrears
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NONE

(B) Claims Secured by Real Property/Debtor Intends to Seek Mortgage Modification. Pending the resolution of a mortgage modification request, Debtor shall make the following adequate protection payments to the Trustee: (1) for *homestead* property, the lesser of 31% of gross disposable monthly income of Debtor and non-filing spouse, if any (after deducting homeowners association fees), or the normal monthly contractual mortgage payment, or (2) for *non-homestead*, income-producing property, 75% of the gross rental income generated from the property:

Last 4 Digits of Acct. No.	Creditor	Collateral Address	Pmt. Amt.
xxxx9057	Rushmore Loans	1835 Mili Avenue Merritt Island, FL 32952	\$ 1,000.00

(C) Claims Secured by Real Property or Personal Property to Which Section 506 Valuation APPLIES. Under 11 U.S.C. § 1322(b)(2), this provision does not apply to a claim secured solely by Debtor's principal residence. A separate motion to determine secured status or

to value the collateral must be filed. The secured portion of the claim, estimated below, shall be paid:

Last 4 Digits of Acct No.	Creditor	Collateral Desc./Address	Claim Amt. Value	Pmt. Interest @___%
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NONE

(D) Claims Secured by Real Property and/or Personal Property to Which Section 506 Valuation DOES NOT APPLY. Claims of the following secured creditors shall be paid in full with interest:

Last 4 Digits of Acct No.	Creditor	Collateral Desc./Address	Claim Amt.	Pmt.	Interest @ ____%
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NONE

(E) Claims Secured by Personal Property – Maintaining Regular Payments and Curing Arrearages, if any, with All Payments in Plan.

Last 4 Digits of Acct No.	Creditor	Collateral Description	Regular Payment	Arrearages
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UNKNOWN

(F) Secured Claims/Lease Claims Paid Direct by Debtor. The following secured claims/lease claims are being made via automatic debit/draft from Debtor's depository account and are to continue to be paid direct to the creditor or lessor by Debtor outside the Plan via automatic debit/draft. The automatic stay is terminated *in rem* as to Debtor and *in rem* and *in personam* as to any co-debtor as to these creditors and lessors upon the filing of this Plan. Nothing herein is intended to terminate or abrogate Debtor's state law contract rights. (Note: The Plan must provide for the assumption of lease claims that Debtor proposes to pay direct in the Lease/Executory Contract Section 6 below.)

Last 4 Digits of Acct No.	Creditor	Property/Collateral
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NONE

(G) Liens to be Avoided per 11 U.S.C. § 522/Stripped Off per 11 U.S.C. § 506. A separate motion to avoid a lien under § 522 or to determine secured status and to strip a lien under § 506 must be filed.

Last 4 Digits of Acct No.	Creditor	Collateral Description/Address
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NONE

(H) Surrender of Collateral/Leased Property. Debtor will surrender the following collateral/leased property. The automatic stay is terminated *in rem* as to Debtor and *in rem* and *in personam* as to any co-debtor as to these creditors and lessors upon the filing of this Plan. (Note: The Plan must provide for the rejection of lease claims in the Lease/Executory Contract section below.)

Last 4 Digits of Acct No.	Creditor	Property/Collateral to be Surrendered
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NONE

6. LEASES/EXECUTORY CONTRACTS.

Last 4 Digits of Acct No.	Creditor	Property	Assume/Reject-Surrender	Est. Arrears
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NONE

7. GENERAL UNSECURED CREDITORS. General unsecured creditors with allowed claims shall receive a *pro rata* share of the balance of any funds remaining after payments to the above referenced creditors or shall otherwise be paid under a subsequent Order Confirming Plan. The estimated dividend to unsecured creditors shall be no less than \$ **UNKNOWN 0%**.

8. ADDITIONAL PROVISIONS:

- (A) Secured creditors, whether or not dealt with under the Plan, shall retain the liens securing such claims:
- (B) Payments made to any creditor shall be based upon the amount set forth in the creditor's proof of claim or other amount as allowed by an Order of the Bankruptcy Court.
- (C) Property of the estate (check one)*
 - (1) _____ shall not vest in Debtor until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise; or
 - (2) X shall vest in Debtor upon confirmation of the Plan.

*If Debtor fails to check (1) or (2) above, or if Debtor checks both (1) and (2), property of the estate shall not vest in Debtor until the earlier of Debtor's discharge or dismissal of this case, unless the Court orders otherwise.

- (D) The amounts listed for claims in this Plan are based upon Debtor's best estimate and belief and/or the proofs of claim as filed and allowed. The Trustee shall only

pay creditors with filed and allowed proof of claims. An allowed proof of claim will control, unless the Court orders otherwise.

- (E) The Debtor may attach a summary or spreadsheet to provide an estimate of anticipated distributions. The actual distributions may vary. If the summary or spreadsheet conflicts with this Plan, the provisions of the Plan control prior to confirmation, after which time the Order Confirming Plan shall control.
- (F) Debtor shall timely file all tax returns and make all tax payments and deposits when due. (However, if Debtor is not required to file tax returns, Debtor shall provide Trustee with a statement to that effect.) For each tax return that becomes due after the case is filed, Debtor shall provide a complete copy of the tax return, including business returns if Debtor owns a business, together with all related W-2s and Form 1099s, to the Trustee within 14 days of filing the return. Unless otherwise ordered by the Court, Debtor shall turn over to the Trustee all tax refunds in addition to regular Plan payments. Debtor shall not instruct the Internal Revenue Service or other taxing agency to apply a refund to the following year's tax liability. **Debtor shall spend no tax refunds without prior court approval.**

9. **NONCONFORMING PROVISIONS:**

***See Excel spread sheet for disbursements**

Debtor Signature:



JOSEPH E. MCMANUS

Dated: October 27th, 2015

DUE DATE				MC MANUS									
1st		10/27/2015			10.0%	Attorney	Attorney	Attorney		Rushmore			
		Unsecured		Debtor Pmt	Tee Fee	BK fee	MMM fee	Monitoring		Loan Mortg			
	36												
11/14/2015	1	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
12/14/2015	2	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
1/14/2016	3	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
2/14/2016	4	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
3/14/2016	5	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
4/14/2016	6	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
5/14/2016	7	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
6/14/2016	8	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
7/14/2016	9	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
8/14/2016	10	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
9/14/2016	11	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
10/14/2016	12	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
11/14/2016	13	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
12/14/2016	14	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
1/14/2017	15	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
2/14/2017	16	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
3/14/2017	17	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
4/14/2017	18	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
5/14/2017	19	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
6/14/2017	20	\$160.00		\$1,400.00	\$140.00	\$100.00	\$0.00	\$0.00		\$1,000.00			
7/14/2017	21	\$210.00		\$1,400.00	\$140.00	\$50.00	\$0.00	\$0.00		\$1,000.00			
8/14/2017	22	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
9/14/2017	23	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
10/14/2017	24	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
11/14/2017	25	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
12/14/2017	26	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
1/14/2018	27	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
2/14/2018	28	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
3/14/2018	29	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
4/14/2018	30	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
5/14/2018	31	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
6/14/2018	32	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
7/14/2018	33	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
8/14/2018	34	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
9/14/2018	35	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00		\$1,000.00			
10/14/2018	36	\$260.00		\$1,400.00	\$140.00	\$0.00	\$0.00	\$0.00	at	\$1,000.00			

Label Matrix for local noticing
113A-6
Case 6:15-bk-09103
Middle District of Florida
Orlando
Tue Oct 27 13:18:14 EDT 2015

Advanced Collection Bu
1535 Cogswell St Ste B8
Rockledge, FL 32955-2739

Cmre Financial Services Inc
3075 E Imperial Hwy Ste 200
Brea, CA 92821-6753

Florida Department of Revenue
Bankruptcy Unit
Post Office Box 6668
Tallahassee FL 32314-6668

Internal Revenue Service p
PO Box 7346
Philadelphia, PA 19101-7346

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

Winderweedle, Haines
Ward & Woodman PA
for Cemex Construction/Rinke
PO Box 1391
Orlando, FL 32802-1391

United States Trustee - ORL7/13 7
Office of the United States Trustee
George C Young Federal Building
400 West Washington Street, Suite 1100
Orlando, FL 32801-2210

Afni, Inc.
Attn: Bankruptcy
Po Box 3097
Bloomington, IL 61702-3097

Crd Prt Asso
Attn: Bankruptcy
Po Box 802068
Dallas, TX 75380-2068

(p)GOLD KEY CREDIT INC
PO BOX 15670
BROOKSVILLE FL 34604-0122

Lender Legal Services LLC
201 East Pine Street
Suite 730
Orlando, FL 32801-2763

Rushmore Loan Mgmt Ser
15480 Laguna Canyon Rd S
Irvine, CA 92618-2132

Joseph E McManus
1835 Mili Avenue
Merritt Island, FL 32952-2767

Acceptance Insurance
PO Box 23410
Nashville, TN 37202-3410

Brevard County Tax Collector
Attn: Honorable Lisa Cullen, CFC
Post Office Box 2500
Titusville FL 32781-2500

First Data
1307 Walt Whitman Rd
Melville, NY 11747-4819

Internal Revenue Service
Post Office Box 7346
Philadelphia PA 19101-7346

Midland Funding
2365 Northside Dri
San Diego, CA 92108-2709

Sprechman & Associates
2775 Sunny Isles Blvd
Ste 100
North Miami Beach, FL 33160-4078

Neil J Buchalter
Neil J Buchalter PA
2395 North Courtenay Parkway
Suite 203
Merritt Island, FL 32953-4034

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Gold Key Credit
Attn: Bankruptcy
Po Box 15670
Brooksville, FL 34604

Portfolio Recovery
Attn: Bankruptcy
Po Box 41067
Norfolk, VA 23541

End of Label Matrix
Mailable recipients 20
Bypassed recipients 0
Total 20